

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LINDA J. BLOZIS,

Plaintiff,

v.

CIVIL ACTION NO. 05-891 SLR

MELLON TRUST OF DELAWARE,
NATIONAL ASSOCIATION, a
Pennsylvania Corporation; MELLON
BANK, NATIONAL ASSOCIATION
(formerly, MELLON BANK (DE)
NATIONAL ASSOCIATION), a
Pennsylvania Corporation; and MELLON
FINANCIAL CORPORATION, a
Pennsylvania Corporation,

Defendants.

PLAINTIFF'S PROPOSED SPECIAL VERDICT

We, the jury, unanimously find as follows:

Retaliation (ADEA and 19 Del. C. § 711(f))

1. Do you find that Plaintiff has proven by a preponderance of the evidence that her ADEA protected activity was a motivating or determinative factor in Defendants' decision to terminate her employment?

Yes _____

No _____

[Go to question 2.]

Age Discrimination (ADEA and 19 Del. C. § 711(a)(1))

2. Do you find that Plaintiff has proven by a preponderance of the evidence that her age was a motivating or determinative factor in Defendants' decision to terminate her employment?

Yes _____ No _____

[If you answered "Yes", go to question 3; if you answered "No", go to question 4.]

3. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendants' decision to terminate her employment because of her age was willful?

Yes _____ No _____

[Go to question 4.]

4. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendants discriminated against her in the terms and conditions of her employment and that her age was a motivating or determinative factor in such discrimination?

Yes _____ No _____

[If you answered "Yes", go to question 5; if you answered "No", go to question 6.]

5. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendants discrimination against her in the terms and conditions of employment because of her age was willful?

Yes _____ No _____

[Go to question 6.]

Sex Discrimination (Title VII and 19 Del. C. § 711(a)(1))

6. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendants discriminated against her in the terms and conditions of her employment and that her sex was a motivating or determinative factor in such discrimination?

Yes _____ No _____

[If you answered "Yes" to question 1, 2, 4, or 6, go to question 7. If you answered "No" to questions 1, 2, 3, 4, 5, and 6, please skip the rest of the questions, have all jurors sign at the bottom, and notify the Court Officer.]

Economic Damages

7. What dollar amount will fairly compensate plaintiff for all lost wages and salary suffered by her through the present date?

\$ _____

[Go to question 8.]

8. What dollar amount will fairly compensate plaintiff for all lost pension suffered by her?

\$ _____

[Go to question 9.]

9. What dollar amount will fairly compensate plaintiff for all lost 401(k) benefits suffered by her?

\$ _____

[Go to question 10.]

Out-of-Pocket Losses (ADEA)

10. What dollar amount will fairly compensate Plaintiff for any out-of-pocket expenses incurred by her as a result of the violation of her rights, including, but not limited to medical bills and receipts suffered by her through the present date and monetary damages suffered from selling her home as a proximate result of Defendants' termination of her employment?

\$ _____

[Go to question 11.]

Liquidated Damages (ADEA)

11. If you answered "Yes" to question 3 or 5 above, and you wish to exercise your discretion to award liquidated damages, enter below an amount of liquidated damages (not exceeding the sum of the amounts you entered in response to questions 7, 8, 9, and 10) which you believe is appropriate to punish and deter Defendants' illegal conduct.

\$ _____

[Go to question 12.]

Compensatory Damages (Title VII and 19 Del. C. § 715(1)c)

12. If you have found that Plaintiff proved by a preponderance of the evidence that Defendants discriminated against her based on retaliation or age or sex and that she experienced pain and suffering, emotional distress, humiliation, embarrassment, or injury to reputation because of the retaliation or discrimination, state the dollar amount that will fairly compensate her for such injuries.

\$ _____

[Go to question 13.]

Punitive Damages (Title VII and 19 Del. C. § 715(1)c)

13. Has Plaintiff proven by a preponderance of the evidence that Defendants' managers acted intentionally, maliciously, or with reckless indifference to Plaintiff's right not to be retaliated against or discriminated against because of her age or sex?

Yes _____ No _____

[If you answered "Yes" and you wish to exercise your discretion to award punitive damages, enter below the amount of punitive damages which you believe is appropriate.]

\$ _____

[Your deliberations now have ended. Have all jurors sign on the last page, and notify the Court Officer.]

**THE FOREGOING IS THE VERDICT OF THE JURY
EACH JUROR MUST SIGN BELOW**

Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror

Dated: _____